

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 11-10-3-2.5 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2001]: **Sec. 2.5. (a) As used in this section,**
6 **"confirmatory test" means a laboratory test or a series of tests**
7 **approved by the state department of health and used in**
8 **conjunction with a screening test to confirm or refute the results of**
9 **the screening test for the human immunodeficiency virus (HIV)**
10 **antigen or antibodies to the human immunodeficiency virus (HIV).**
11 **(b) As used in this section, "screening test" means a laboratory**
12 **screening test or a series of tests approved by the state department**
13 **of health to determine the possible presence of the human**
14 **immunodeficiency virus (HIV) antigen or antibodies to the human**
15 **immunodeficiency virus (HIV).**

(c) For an individual who is committed to the department after June 30, 2001, the examination required under section 2(a) of this chapter must include the following:

(1) A blood test for hepatitis C.

(2) A screening test for the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV).

(d) If the screening test required under subsection (c)(2) indicates the presence of antibodies to the human immunodeficiency virus (HIV), the department shall administer a confirmatory test to the individual.

(e) The department may require an individual who:

(1) was committed to the department before July 1, 2001; and

(2) is in the custody of the department after June 30, 2001;

to undergo the tests required by subsection (c) and, if applicable, subsection (d).

(f) Except as otherwise provided by state or federal law, the results of a test administered under this section are confidential.

(g) The department shall, beginning September 1, 2002, file an annual report with the executive director of the legislative services agency containing statistical information on the number of individuals tested and the number of positive test results determined under this section."

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 3. IC 16-41-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) ~~Each~~:

~~(1) licensed physician;~~

~~(2) hospital licensed under IC 16-21; and~~

~~(3) medical laboratory;~~

The following persons shall report to the state department each case of human immunodeficiency virus (HIV) infection, including each confirmed case of acquired immune deficiency syndrome (AIDS):

(1) A licensed physician.

(2) A hospital licensed under IC 16-21.

(3) A medical laboratory.

(4) The department of correction.

The report must comply with rules adopted by the state department.

(b) The records of the state department must indicate, if known:

- (1) whether the individual had undergone any blood transfusions before being diagnosed as having AIDS or HIV infection;
- (2) the place the transfusions took place;
- (3) the blood center that furnished the blood; and
- (4) any other known risk factors.

(c) A case report concerning HIV infection that does not involve a confirmed case of AIDS submitted to the state department under this section that involves an individual:

- (1) enrolled in a formal research project for which a written study protocol has been filed with the state department;
- (2) who is tested anonymously at a designated counseling or testing site; or
- (3) who is tested by a health care provider permitted by rule by the state department to use a number identifier code;

may not include the name or other identifying characteristics of the individual tested."

Page 2, between lines 16 and 17, begin a new line block indented and insert:

"(5) The test is required or authorized under IC 11-10-3-2.5. The test for the antibody or antigen to HIV may not be performed on a woman described in sections 5, 6, or 7 of this chapter if the woman refuses to consent to the test under sections 5, 6, or 7 of this chapter.

Page 2, delete lines 19 through 42.

Page 3, delete lines 1 through 22.

Page 4, delete lines 25 through 40, begin a new paragraph and insert:

"SECTION 7. IC 16-41-6-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5. (a) This section applies to:**

(1) a physician licensed under IC 25-22.5; or

(2) an advanced practice nurse licensed under IC 25-23;

who provides prenatal care within the scope of the provider's license.

(b) Subject to subsection (c), an individual described in subsection (a) who:

(1) diagnoses a pregnancy of a woman; or

(2) is primarily responsible for providing prenatal care to a

1 pregnant woman;
 2 shall take or cause to be taken a sample of the pregnant woman's
 3 blood and shall submit the sample to an approved laboratory for
 4 a standard serological test for HIV.

5 (c) A pregnant woman has a right to refuse an HIV test under
 6 this section. An individual described in subsection (a), or the
 7 individual's designee, shall inform the pregnant woman that:

- 8 (1) the individual is required by law to order an HIV test
- 9 unless the pregnant woman refuses; and
- 10 (2) the pregnant woman has a right to refuse.

11 (d) An individual described in subsection (a), or the individual's
 12 designee, shall:

- 13 (1) provide the pregnant woman with a description of the
- 14 methods of HIV transmission;
- 15 (2) discuss risk reduction behavior modifications with the
- 16 pregnant woman, including methods to reduce the risk of
- 17 perinatal HIV transmission and HIV transmission through
- 18 breast milk;
- 19 (3) provide the pregnant woman with referral information to
- 20 other HIV prevention, health care, and psychosocial services;
- 21 and
- 22 (4) explain to the pregnant woman:
- 23 (A) the purpose of the test; and
- 24 (B) the risks and benefits of the test.

25 (e) An individual described in subsection (a) shall document in
 26 the pregnant woman's medical records that the pregnant woman
 27 received the information required under subsections (c) and (d).

28 (f) If a pregnant woman refuses to consent to an HIV test under
 29 this section, the refusal must be noted in the pregnant woman's
 30 medical records.

31 (g) If a test ordered under subsection (b) is positive, the
 32 individual described in subsection (a) who ordered the test shall
 33 inform the pregnant woman of all treatment options available to
 34 her and the prognostic implications of the disease."

35 Page 4, line 41, delete "(e)" and insert "(h)".

36 Page 5, line 1, delete "(f)" and insert "(i)".

37 Page 5, line 5, delete "(c)" and insert "(b)".

38 Page 5, delete lines 12 through 17, begin a new paragraph and

1 insert:

2 **"(b) A pregnant woman has a right to refuse an HIV test under**
 3 **this section. The individual who attends the pregnant woman under**
 4 **subsection (a) shall inform the pregnant woman that:**

5 **(1) the individual is required by law to request that a**
 6 **physician order an HIV test unless the pregnant woman**
 7 **refuses; and**

8 **(2) the pregnant woman has a right to refuse.**

9 **(c) The individual who attends the pregnant woman under**
 10 **subsection (a) shall:**

11 **(1) provide the pregnant woman with a description of the**
 12 **methods of HIV transmission;**

13 **(2) discuss risk reduction behavior modifications with the**
 14 **pregnant woman, including methods to reduce the risk of**
 15 **perinatal HIV transmission and HIV transmission through**
 16 **breast milk;**

17 **(3) provide the pregnant woman with referral information to**
 18 **other HIV prevention, health care, and psychosocial services;**
 19 **and**

20 **(4) explain to the pregnant woman:**

21 **(A) the purpose of the test; and**

22 **(B) the risks and benefits of the test.**

23 **(d) The individual who attends the pregnant woman under**
 24 **subsection (a) shall document in the pregnant woman's medical**
 25 **records that the pregnant woman received the information**
 26 **required under subsections (b) and (c).**

27 **(e) If a pregnant woman refuses to consent to an HIV test under**
 28 **this section, the refusal must be noted in the pregnant woman's**
 29 **medical records."**

30 Page 5, line 18, delete "(d)" and insert "(f)".

31 Page 5, line 21, delete "(e)" and insert "(g)".

32 Page 5, line 23, delete "(f)" and insert "(h)".

33 Page 5, line 27, delete "(c)" and insert "(b)".

34 Page 5, delete lines 34 through 39, begin a new paragraph and
 35 insert:

36 **"(b) A pregnant woman has a right to refuse an HIV test under**
 37 **this section. The individual in attendance at the delivery shall**
 38 **inform the pregnant woman that:**

(1) the individual is required by law to order an HIV test unless the pregnant woman refuses; and

(2) the pregnant woman has a right to refuse.

(c) The individual in attendance at the delivery shall:

(1) provide the pregnant woman with a description of the methods of HIV transmission;

(2) discuss risk reduction behavior modifications with the pregnant woman, including methods to reduce the risk of perinatal HIV transmission and HIV transmission through breast milk;

(3) provide the pregnant woman with referral information to other HIV prevention, health care, and psychosocial services; and

(4) explain to the pregnant woman:

(A) the purpose of the test; and

(B) the risks and benefits of the test.

(d) The individual in attendance at the delivery shall document in the pregnant woman's medical records that the pregnant woman received the information required under subsections (b) and (c).

(e) If a pregnant woman refuses to consent to an HIV test under this section, the refusal must be noted in the pregnant woman's medical records."

Page 5, line 40, delete "(d)" and insert "(f)".

Page 6, line 1, delete "(e)" and insert "(g)".

Page 6, line 3, delete "(f)" and insert "(h)".

Page 6, line 7, after "on" insert "**the confidential portion of**".

Page 6, line 21, delete "." and insert "**on the confidential portion of the certificate.**".

Page 6, line 27, after "Control" insert "**and Prevention**".

Page 6, after line 34, begin a new paragraph and insert:

- 1 "SECTION 12. THE FOLLOWING ARE REPEALED
- 2 [EFFECTIVE JULY 1, 2001]: IC 16-18-2-290.5; IC 16-41-6-2.5".
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 312 as reprinted February 14, 2001.)

and when so amended that said bill do pass.

Representative Brown C